

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

THIS DOCUMENT RELATES TO:

ALL CASES

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) MDL No. 2419
) Docket No. 1:13-md-2419 (RWZ)
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AFFIDAVIT OF MARK SULLIVAN

I, Mark Sullivan, on oath, depose and state as follows:

1. I am the Executive Director for Inpatient and Clinical Pharmacy Operations for Vanderbilt University Hospital and Clinics, which are owned by The Vanderbilt University (“Vanderbilt”), located in Nashville, Tennessee. I make this affidavit in support of Vanderbilt’s Motion To Quash Subpoena For Deposition By Written Questions.

2. I have served as the Director for Inpatient and Clinic Pharmacy Operations at Vanderbilt since September 1, 2008. I have been in my Executive Director role since April, 2015. Accordingly, I am familiar with the operations of Vanderbilt’s pharmacies during that time period.

3. Vanderbilt’s healthcare operations consist of several hospitals and clinics, including 7 pharmacies licensed by the State of Tennessee at 15 different locations. The pharmacy operations employ 500 persons, dispense 21,000 doses of medications per day, and purchase approximately \$275,000,000 in pharmaceuticals per year.

4. Vanderbilt’s pharmacies never purchased methyl prednisolone acetate (known as “MPA”) from New England Compounding Pharmacy, Inc. (“NECC”).

5. The only medication Vanderbilt's pharmacies ever purchased from NECC is a topical antiseptic with the brand name Betadine®, for which Vanderbilt placed only one order, in late September 2012.

6. To my knowledge, Vanderbilt has no affiliation with Premier Orthopaedic and Sports Medicine Associates of Southern New Jersey, LLC, trading as Premier Orthopaedic Associates, Premier Orthopaedic Associates Surgical Center, LLC, Kimberly Yvette Smith, M.D., a/k/a Kimberly Yvette Smith- Martin, M.D., Thomas Dwyer, M.D., Rhaul Shah, M.D., John Catalano, M.D., Richard C. DiVerniero, M.D., or Richard Strauss, M.D.

7. I have reviewed the 219 questions posed by the subpoena issued to Vanderbilt in this litigation. Vanderbilt would have to undertake significant efforts to research and answer these questions. Gathering responsive information will be challenging because of personnel turnover that Vanderbilt's pharmacies have experienced during the last four years.

Signed under the pains and penalties of perjury this 1st day of April, 2016.

/s/ Mark Sullivan

Mark Sullivan

Pursuant to CM/ECF Admin. Proc. J.3., the paper version of this document bears an original signature.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and paper or electronic copies will be delivered to those indicated as non-registered participants on April 1, 2016.

/s/ Frank N. Gaeta
Frank N. Gaeta